

## COUNTRY PROFILE

**TAKING OF EVIDENCE BY VIDEO-LINK UNDER THE  
HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF  
EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

STATE NAME: China, Macao SAR

PROFILE UPDATED ON (DATE): March 2017

## PART I: STATE

1. Contact details	
<i>The contact details provided in this section <u>will be published</u> on the Hague Conference website</i>	
CHAPTER I (LETTERS OF REQUEST)	
<i>As with any other Letter of Request under Chapter I of the Evidence Convention, the requesting authority should contact the Central Authority(ies) of the requested State when seeking to obtain evidence by means of a Letter of Request, whether using video-link or not.</i>	
a) Are the contact details of the Central Authority(ies) designated by YOUR STATE up-to-date on the <a href="#">Evidence Section</a> of the Hague Conference website?	<input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No. Please provide the contact details on a separate Word or PDF document for uploading on the Evidence Section of the Hague Conference website.
b) Would YOUR STATE be in favour of specifying a <b>person or department within the Central Authority(ies)</b> who would assist in processing Letters of Request where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?	<input type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:  <input checked="" type="checkbox"/> No. Please explain why: <a href="#">At this stage, taking into account that the Macao SAR has not had any request of this nature, it is believed that there is no need to specify a person or department within the designated Central Authority to deal with this request.</a>  <i>Comments:</i>
c) What arrangements are there for ensuring that there is a contact person with whom the requesting authority can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a	<a href="#">Since the Macao SAR has no such experience until now, there is no special arrangements on this issue. The designated Central Authority, the Public Prosecutions Office (MP), is one of the main judiciary authorities of the</a>

booking system)?	Macao SAR with powers of investigation and intervention in court proceedings.
<b>CHAPTER II (TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS)</b>	
<p><i>Permission by a designated authority may be required to apply certain provisions under Chapter II. To know if such a permission is required for a particular State, see the practical information chart (accessible from the <a href="#">Authorities</a> page) AND / OR the declarations (accessible from the <a href="#">Status Table</a> page) of the relevant State available on the <a href="#">Evidence Section</a> of the Hague Conference website.</i></p> <p><i>If permission is not required, applicants should contact the diplomatic and consular mission (Arts 15/16) or the commissioner (Art. 17) to explore whether or not evidence may be obtained by video-link under this Chapter.</i></p> <p><i>If permission is required, applicants should contact the authority that was designated to grant permission AND the relevant diplomatic and consular mission or commissioner, to explore, where necessary, whether or not evidence may be obtained by video-link under this Chapter.</i></p>	
<p>d) Would YOUR STATE be in favour of specifying <b>an entity or authority, in addition to the relevant authority / diplomatic or consular agent / commissioner</b>, that would assist in processing applications where the use of video-links has expressly been requested (e.g., to arrange the video-link or provide technical assistance)?</p>	<p><input type="checkbox"/> Yes. If YOUR STATE has already done so, please specify the contact details:</p> <p><input type="checkbox"/> No. Please explain why:</p> <p>Comments: <a href="#">No comments.</a></p>
<p>e) What arrangements are there for ensuring that there is a contact person with whom the Court of Origin can liaise and who is available on the day of the hearing to operate the video-link facilities (e.g. is there a booking system)?</p>	<p><a href="#">The contact between the Requesting Party and the Requested Party should be via the Central Authorities to ensure that court hearings will be operated smoothly.</a></p>

**PART II: RELEVANT LEGISLATION AND COURT SYSTEM**

Legal basis	
<p>a) Does YOUR STATE, in the application of Article 27 (<i>i.e.</i> internal law or practice), allow for a foreign Court to directly take evidence by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No. Please specify: Under the Macao SAR law, only indirect taking of evidence is allowed. Therefore, only lawyers and magistrates of the Macao SAR can raise questions against witnesses (Article 539 of the Macao Civil Procedure Code (CPC), Law No. 10/1999 and Decree-law No. 42/95/M).</p> <p>Comments:</p>
<p>b) Please indicate the legal basis or applicable protocols (<i>i.e.</i>, relevant laws, regulations, practice, etc.) for the use of video-links in the taking of evidence in YOUR STATE, either under the Convention or independent of the Convention (see, <i>e.g.</i> Art. 27 (b) and (c)):</p> <p><i>Please also attach a copy of, or provide a link to, the relevant provisions, where possible in English or French.</i></p>	<p>Notwithstanding the absence of legal provisions specially regulating the taking of evidence by video-link, the use of video-link is not prohibited under the Macao SAR law.</p> <p>Article 542 of the CPC allows a witness to give testimony by phone or other direct means of contact with the court, which states that "When it is impossible or seriously difficult for the persons to give evidence at hearing to appear in time, the judge may, after hearing the parties, determine that any clarification indispensable for the decision of the case would be provided through the use of telephone or other means of communication direct with the court, so far as the nature of the facts to be investigated or clarified is compatible with the measure."</p> <p>According to Article 135 of the CPC, the court is competent to assess and ensure the compliance with letters rogatory in accordance with law; if certain formalities are requested therein, they can be satisfied as long as they do not contradict internal law.</p> <p>Legal provisions for the taking of evidence by other means provided for in the CPC will equally be applicable for the use of video-link for that purpose. The CPC can be consulted online (both in Chinese and Portuguese) at:</p> <p><a href="http://bo.io.gov.mo/bo/i/99/40/codprocivpt/default.asp">http://bo.io.gov.mo/bo/i/99/40/codprocivpt/default.asp</a>  <a href="http://bo.io.gov.mo/bo/i/99/40/codprocivcn/default.asp">http://bo.io.gov.mo/bo/i/99/40/codprocivcn/default.asp</a></p>
<p>c) Does YOUR STATE have any agreements with other Contracting States that derogate from the Convention when taking evidence by video-link (see Art. 28 and Art. 32)?</p>	<p><input type="checkbox"/> Yes. Please attach a copy of, or provide a link to, the relevant provisions, where possible in English or French:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>

Court system	
d) Please indicate which courts permit, or have the facilities for, the taking of evidence by video-link. If possible, indicate where relevant information on videoconferencing facilities in courts can be found online:	<input type="checkbox"/> All courts. <input type="checkbox"/> All courts of a specific type / level. Please specify: <input type="checkbox"/> Only specific courts. Please specify which courts, or provide a link to/attach a full list: <input type="checkbox"/> None.  <i>Comments:</i> It should be pointed out that, until now, the Macao SAR has no such experience.

**PART III: TECHNICAL AND SECURITY ASPECTS (APPLICABLE TO BOTH CHAPTERS)**

<p>a) Does YOUR STATE use licensed software (which ensures support for technical and security matters) for the taking of evidence by video-link?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Until now, the Macao SAR does not have such experience.</p>
<p>b) What are the specifications of the video-link technology in use in YOUR STATE, including, if any, the minimum standards or mechanisms used to secure the communications and any recordings made?</p> <p><i>States are encouraged to provide as much information as possible when responding to this question. As such, it may be useful to consider liaising with the relevant IT experts.</i></p>	<p>Codec (<i>i.e.</i>, manufacturer, model, transmission speed, bandwidth):</p> <p>Video and audio standards (<i>e.g.</i> Standard Definition, High Definition, etc.):</p> <p>Type of network (<i>e.g.</i>, ISDN, IP, etc.):</p> <p>Type of encryption for signals in secure transmissions:</p> <p>Split screen capability:</p> <p>Document cameras:</p> <p>Multipoint connections:</p> <p>Additional specifications or capabilities:</p> <p>Protocols or other practices:</p> <p><i>Comments:</i> Until now, the Macao SAR does not have such experience.</p>
<p>c) Can evidence be taken via commercial providers (<i>e.g.</i>, Skype™)?</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: As mentioned, Article 542 of the CPC allows the possibility of taking evidence by other means, such as the use of video-link. However, the court, as mentioned, shall assess and ensure, in accordance with law, the compliance with letters rogatory. If certain formalities are requested therein, they can be satisfied as long as they do not contradict internal law (Article 135 of the CPC). Meanwhile, it should be stressed that network security is taken into consideration as a crucial factor.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>

<p>d) Does YOUR STATE have a procedure for testing connections and the quality of transmissions before the hearing?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Until now, the Macao SAR does not have such experience.</p>
<p>e) Does YOUR STATE have any requirements as to the hearing room, <i>e.g.</i>, should be located in a court, should have a camera view of the whole room or a view of all the parties, etc.?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> As stated previously, there are no provisions specially regulating the taking of evidence by video-link. The hearings should be conducted in the court.</p>

## PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

**PART IV: USE OF VIDEO-LINKS UNDER BOTH CHAPTERS – LEGAL CONSIDERATIONS**

Restrictions	
a) Must a court order directing the use of video-links first be obtained from the requesting State (Chapter I) / State of Origin (Chapter II)?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No.  <i>Comments:</i> As mentioned, Article 135 of the CPC states that the court is competent to assess and ensure the compliance with letters rogatory in accordance with law; if a letter of rogatory requests the compliance with certain formalities which do not have conflict with the law of Macao SAR, the request shall be satisfied. Therefore, the Requesting Party is suggested to include in its request the particular practical or technical information as detailed as possible so as to facilitate the taking of evidence by video-link.
b) Are there any restrictions on what type/s of evidence can be taken by video-link or how it is to be taken?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No.  <i>Comments:</i> There are no specific provisions ruling this issue.
c) Are there any specific restrictions on how evidence gathered via video-link can be handled and distributed, or do the usual rules for evidence obtained in person apply?	<input type="checkbox"/> Yes, there are specific restrictions. Please specify: <input checked="" type="checkbox"/> No, the normal rules for evidence apply.  <i>Comments:</i>
d) Are there any restrictions on the type of person who may be examined by video-link?	<input type="checkbox"/> Yes. Please specify: <input checked="" type="checkbox"/> No.  <i>Comments:</i> It should be mentioned that Article 525 of the CPC stipulates that the following persons enjoy the prerogative of giving evidence first in writing if they prefer: a) The Chief Executive; b) The Secretaries, Members of the Executive Council and of the Legislative Assembly; c) Judges of the Court of Final Appeal and of the Court of Second Instance; d) Public Prosecutor-General;

## PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>e) Commissioner Against Corruption, Commissioner of Audit, Commissioner-General of the Unitary Police Service and Director-General of the Macao Customs;</p> <p>f) Members of the management and disciplinary body of magistrates;</p> <p>g) High-ranking religious dignitaries;</p> <p>h) President of the representative body for lawyers;</p> <p>i) Persons enjoying international protection.</p> <p>2. The Chief Executive also enjoys the prerogative of being inquired at his residence or at his head office, as he chooses.</p>
e) Is it necessary to seek the consent of the parties to use video-link to take evidence?	<p><input type="checkbox"/> Yes. Please specify the conditions under which parties may refuse the use of video-link:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> As mentioned, there are no provisions specially regulating the procedures for the taking of evidence by video-link. However, it should be stressed that according to Article 442 of the CPC, all persons, being parties to the case or not, have the duty to cooperate in the discovery of the truth, answering the questions asked, submitting themselves to necessary inspections, providing what is requested and practicing the acts that are determined.</p>
f) Are there any restrictions on the location where the person should be examined (e.g. in a courtroom, on the premises of an Embassy or diplomatic mission)?	<p><input checked="" type="checkbox"/> Yes. Please specify: Although there are no provisions specially regulating the procedures for the taking of evidence by video-link, the hearing should be conducted in the court. Article 522 of the CPC provides for exceptional situations of hearings, such as: i) inquiry by letters rogatory, ii) hearing at the residence or at a special venue pursuant to Article 525 of the CPC.</p> <p>In accordance with Article 523 of the CPC, the hearing may take place at a specific location, by initiative of the court or by requests of the Parties, whenever adequate.</p> <p>Articles 482 and 528 of the CPC also state that when it is shown that the witness is unable to appear in court by reason of illness, the court may specify the location,</p>



## PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

	<p>date and time for the person to give evidence.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>g) Can a witness / expert be compelled to use video-links to give evidence?</p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify what coercive measures may be used:</p> <p>According to Article 442 of the CPC, all persons have the duty to cooperate in the discovery of the truth. Those who fail to render due cooperation shall be punished by a fine, without prejudice to the coercive means that are legally possible. Nevertheless, the duty of cooperation shall cease when it relates to: a) violation of the physical or moral integrity of persons; b) intrusion into private life, domicile, correspondence or other means of communication; c) breach of professional secrecy or of the duty of secrecy prescribed for civil servants, or of the secrecy of the Territory.</p> <p>In this regard, Article 519 of the CPC states the circumstances under which a witness may refuse or be excused from testifying.</p> <p>Likewise, according to Article 491 of the CPC, the expert witness shall be obliged to perform with diligence the function for which he was appointed, the judge being able to punish him by a fine when he breaches the duties of cooperation with the court; furthermore, the expert witness may be dismissed by the judge if he performs the task entrusted to him negligently, namely when he does not present or make it impossible, due to inertia, to present the expert report within the prescribed period.</p> <p><input type="checkbox"/> No. Please explain:</p> <p><i>Comments:</i></p>
<p>h) Please briefly outline the procedure/s, under Chapter I and Chapter II, for actually notifying or summoning the witness / expert to give evidence by video-link, including any references to relevant laws, regulations or practice.</p> <p><i>Please also include, where applicable, the differences between notifying or summoning a willing witness / expert and notifying or</i></p>	<p>Chapter I: According to Article 204 of the CPC, the notices intended to summon witnesses or expert witnesses shall be sent by post, under registration, indicating the date, place and purpose of the appearance.</p> <p>Chapter II:</p> <p><i>Comments:</i></p>

## PART IV - LEGAL CONSIDERATIONS (BOTH CHAPTERS)

<i>summoning a witness / expert that is to be compelled.</i>	
<p>i) The law of which State governs the use of privileges?</p> <p><i>Please tick all that apply.</i></p> <p><i>See Articles 11 and 21(e) of the Convention</i></p>	<p>Chapter I:</p> <p><input type="checkbox"/> The law of the Requesting State.</p> <p><input checked="" type="checkbox"/> The law of the Requested State.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p>Chapter II:</p> <p><input type="checkbox"/> The law of the State of Origin.</p> <p><input type="checkbox"/> The law of the State of Execution.</p> <p><input type="checkbox"/> The law of another State. Please specify:</p> <p><i>Comments:</i></p> <p><a href="#">Not applicable/ no comments.</a></p>

## PART V - LEGAL CONSIDERATIONS (CHAPTER I)

**PART V: USE OF VIDEO-LINKS UNDER CHAPTER I (LETTERS OF REQUEST) – LEGAL CONSIDERATIONS**

Legal obstacles	
<p>a) Does YOUR STATE consider that there are legal obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (see C&amp;R No 55 of the 2009 SC and C&amp;R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
Direct and indirect taking of evidence	
<p>b) Under Chapter I of the Convention, does YOUR STATE allow for the direct taking of evidence by judicial personnel of the <i>requesting</i> State (i.e., the State in which the proceedings are pending)?</p>	<p><input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.</p> <p>Comments: Only indirect taking of evidence is allowed under the Macao SAR law.</p>
<p>c) Under which provisions of Chapter I of the Convention is indirect taking of evidence by video-link possible in YOUR STATE?</p>	<p><input type="checkbox"/> Art. 9(1) – The judicial authority of the requested State obtains evidence (e.g., a witness / expert examination) which is located in a (distant) location within its own State.</p> <p><input checked="" type="checkbox"/> Art. 9(2) - As a special method or procedure. Please also outline whether any specific conditions must be satisfied: There are no provisions specially regulating the taking of evidence by video-link. See also questions on presence.</p> <p>Comments:</p>
Legal safeguards for witness / expert	
<p>d) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter I (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?</p>	<p>The usual provisions related to the legal safeguards for witnesses and expert witnesses apply, such as provision of interpretation services, exemption from being expert witnesses or witnesses in certain circumstances, compensation for expenses and damages of witness (Articles 89, 547, 492 and 519 of the CPC) and the right to legal aid (Article 4A of Decree-law No. 21/88/M).</p>
Presence	
<p>e) Are the rules for the presence of the parties and their representatives when physically in a</p>	<p><input checked="" type="checkbox"/> Yes. If so, please specify if they are allowed to</p>

## PART V - LEGAL CONSIDERATIONS (CHAPTER I)

<p>single location the same for when evidence is taken via video-link?</p> <p><i>See Article 7 of the Convention</i></p>	<p>actively participate: As mentioned, there are no provisions specially regulating the taking of evidence by video-link. It should be noted that, in either case, evidence can only be taken by the competent authority of the Macao SAR when it is the Requested Party.</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<p>f) Under Chapter I of the Convention, does YOUR STATE allow for the cross-examination of a witness / expert by video-link by the representatives located in the <i>requesting</i> State (<i>i.e.</i>, the State in which the proceedings are pending)?</p>	<p><input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i> Only indirect taking of evidence is allowed under the Macao SAR law.</p>
<p>g) Does YOUR STATE allow for the presence of the judicial personnel of the requesting State via video-link?</p> <p><i>See Article 8 of the Convention</i></p> <p><i>Please note that a declaration may be made under this provision.</i></p>	<p><input type="checkbox"/> Yes. If so, please specify if they are allowed to actively participate:</p> <p><input checked="" type="checkbox"/> No.</p> <p><i>Comments:</i></p>

## PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

**PART VI: USE OF VIDEO-LINKS UNDER CHAPTER II (BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS) – LEGAL CONSIDERATIONS**

**The questions in this Part are only for States that have not wholly excluded the application of Chapter II**

Please note that Chapter II may be subject to a reservation in whole or in part under Article 33. Check the reservations that YOUR STATE has made under this Chapter in the status table, available on the [Evidence Section](#) of the Hague Conference website.

Legal obstacles and legal framework	
<p>a) Does YOUR STATE consider there to be any legal obstacles to the taking of evidence by video-link under Chapter II of the Convention?</p> <p><i>The Special Commission has noted that the use of video-link and similar technologies is consistent with the current framework of the Convention (C&amp;R No 55 of the 2009 SC and C&amp;R No 20 of the 2014 SC).</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments: <a href="#">Not applicable / No comments.</a></p>
<p>b) Under which provisions of Chapter II of the Convention is taking of evidence by video-link possible in YOUR STATE?</p>	<p><input type="checkbox"/> Art. 15 <input type="checkbox"/> Art. 16 <input type="checkbox"/> Art. 17</p> <p>Comments: <a href="#">Not applicable / No comments.</a></p>
<p>c) Is prior permission from YOUR STATE required when taking evidence under Chapter II of the Convention on the territory of YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please outline the procedure for seeking such permission, including any specific conditions that must be satisfied:</p> <p><input type="checkbox"/> No.</p> <p>Comments: <a href="#">Not applicable / No comments.</a></p>
<p>d) Please indicate who administers the oath or affirmation and how perjury and contempt are dealt with when evidence is taken under Chapter II of the Convention on the territory of YOUR STATE.</p>	<p>Administration of the oath or affirmation: <a href="#">Not applicable / No comments.</a></p> <p>Dealing with perjury and contempt: <a href="#">Not applicable / No comments.</a></p>
Direct and indirect taking of evidence	
<p>e) Diplomatic and consular agents are usually located in the State where the witness / expert resides. It may be, however, that a witness / expert is located in a neighbouring country or in a place distant from the Embassy or Consulate. In these circumstances, does YOUR STATE consider it possible to use video-link to obtain evidence under Chapter II of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p>Comments: <a href="#">Not applicable / No comments.</a></p>

## PART VI - LEGAL CONSIDERATIONS (CHAPTER II)

Legal safeguards for witness / expert	
f) What are the legal safeguards in place for witnesses / experts in YOUR STATE when evidence is taken by video-link under Chapter II (e.g. protective measures for the witness / expert, provision of interpretation, right to legal counsel, etc.)?	Not applicable / No comments.
Presence	
g) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>diplomatic and consular agents</b> ?  <i>Please tick all that apply.</i>	<input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify:  <i>Comments:</i> Not applicable / No comments.
h) Under the law of YOUR STATE, who may be present via video-link when evidence is taken by <b>commissioners</b> ?  <i>Please tick all that apply.</i>	<input type="checkbox"/> The parties. <input type="checkbox"/> The parties' representatives. <input type="checkbox"/> Judicial personnel. <input type="checkbox"/> Someone else. Please specify:  <i>Comments:</i> Not applicable / No comments.
Applicable law	
i) The law of which State governs the administration of an oath or affirmation when evidence is taken by video-link under Chapter II?	<input type="checkbox"/> The law of the State of Origin <input type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify:  <i>Comments:</i> Not applicable / No comments.
j) The law of which State governs perjury and contempt when evidence is taken by video-link under Chapter II?	<input type="checkbox"/> The law of the State of Origin <input type="checkbox"/> The law of the State of Execution <input type="checkbox"/> It depends on whether evidence is taken by a consular or diplomatic agent or a commissioner. Please specify:  <i>Comments:</i> Not applicable / No comments.

## PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

## PART VII PRACTICAL CONSIDERATIONS

COMMON TO BOTH CHAPTERS	
Notice	
a) What does YOUR STATE consider to be the minimum amount of time required between the request and the actual hearing in order to make the arrangements to take evidence by video-link?	<p>Chapter I: <a href="#">Until now, the Macao SAR has no such experience.</a></p> <p>Chapter II: <a href="#">Not applicable / No comments.</a></p>
Interpretation services	
b) Who is responsible, under Chapter I and Chapter II, for the use of interpretation services and who arranges these services in YOUR STATE when video-link is used?	<p>Chapter I: <a href="#">Article 89 of the CPC stipulates that:</a></p> <ol style="list-style-type: none"> <li><a href="#">1. One of the official languages shall be used in proceedings.</a></li> <li><a href="#">2. When a person who does not know or does not master the language of communication has to intervene in the proceedings, a suitable interpreter shall be appointed, without charge on that person, even though the entity who presides over the act or any of the participants in the proceedings knows the language used by that person; the interpreter shall take an oath of allegiance.</a></li> </ol> <p>Chapter II: <a href="#">Not applicable / No comments.</a></p>
c) Are professional accredited interpreters required in YOUR STATE, and where can relevant contact details be found?	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input checked="" type="checkbox"/> No.</p> <p>Comments:</p>
d) Under the law of YOUR STATE, is interpretation to be <i>simultaneous</i> or <i>consecutive</i> when a witness / expert is examined via video-link?	<a href="#">It should be decided on a case-by-case basis.</a>
e) Where may the interpreter be located when a witness / expert is examined via video-link? <i>Please check all that apply.</i>	<p><input checked="" type="checkbox"/> In the room with the witness / expert.</p> <p><input checked="" type="checkbox"/> In the room with those conducting the examination.</p> <p><input type="checkbox"/> Elsewhere in the requesting State (Chapter I) / State of Origin (Chapter II).</p> <p><input type="checkbox"/> Elsewhere in the requested State (Chapter I) / State of Execution (Chapter II).</p> <p><input type="checkbox"/> In a third State.</p> <p><input type="checkbox"/> Other. Please specify:</p> <p>Comments:</p>
Reporting and recording	

## PART VII – PRACTICAL CONSIDERATIONS (BOTH CHAPTERS)

f) Is a written report of the video-link hearing or testimony prepared?	<input type="checkbox"/> Yes. Please specify by whom: Please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the report:  <input checked="" type="checkbox"/> No.  <i>Comments:</i>  According to Article 447 of the CPC, if the taking of evidence by video-link occurs before the court hearing, all statement or testimony is recorded. If recording is impossible, the statement or testimony shall be reduced to writing, with the wordings dictated by the judge.  If the use of video-link occurs during the court hearing, the court may, ex officio or upon request, order the audio-video recording of the hearing (Article 448 of the CPC).  Moreover, pursuant to Article 487 of the CPC, the statement shall always be reduced to writing, even if it has been recorded, in the part in which there is confession of the deponent, or in which he narrates facts or circumstances that imply indivisibility from the confessional declaration.
g) Are facilities and equipment made available in order to record the hearing or testimony?	<input checked="" type="checkbox"/> Yes, with audio and video. <input type="checkbox"/> Yes, only with video. <input type="checkbox"/> Yes, only with audio. <input type="checkbox"/> No, but the recording of hearings/testimonies is permitted.  If a recording is produced, please also outline the specific rules or regulations, if any, that are applicable to the handling/storage/distribution of the recording:  <input type="checkbox"/> No, because the recording of hearings/testimonies is not permitted under internal law.  <i>Comments:</i>
<b>Documents and exhibits</b>	
h) What arrangements are to be made for showing or referring to documents or exhibits when taking evidence by video-link?	Since the Macao SAR has no such experience until now, there is no special arrangements on this issue.



## PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

<b>PRACTICAL CONSIDERATIONS UNDER CHAPTER I</b>	
<b>Practical obstacles</b>	
<p>i) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter I of the Convention?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> Although the taking of evidence by video-link is not prohibited under the Macao SAR law, the Macao SAR has no such experience until now, no accurate comments can be provided.</p>
<b>Identification of all relevant actors</b>	
<p>j) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter I?</p>	<p>The usual provisions related to the procedures for the taking of evidence apply.</p>
<b>Standard Forms</b>	
<p>k) Do the authorities of YOUR STATE use a standardised request form under Chapter I that makes specific reference to the use of video-links?</p> <p><i>The use of the <a href="#">Model Form</a> of the Evidence Convention is recommended when taking evidence under Chapter I.</i></p> <p><i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i></p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> The standardised form used makes no reference to video-link.</p> <p><input checked="" type="checkbox"/> No standardised form is used.</p> <p><i>Comments:</i></p>
<p>l) Does YOUR STATE require the inclusion of any particular practical or technical information from the requesting State in the request in order to conduct / arrange a witness / expert examination by video-link under Chapter I? (e.g. contact details for IT support, technical specifications, etc)</p>	<p><input checked="" type="checkbox"/> Yes. Please specify: <a href="#">The Requesting Party is suggested to include in its request the particular practical or technical information as detailed as possible so as to facilitate the taking of evidence by video-link.</a></p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i></p>
<b>Costs</b>	
<p>m) Are there any costs associated with the taking of evidence via video-link under Chapter I in YOUR STATE?</p>	<p><input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:</p> <p><input type="checkbox"/> No.</p> <p><i>Comments:</i> Since the Macao SAR has no such experience until now, no accurate comments can be provided.</p>

## PART VII – PRACTICAL CONSIDERATIONS (CHAPTER I)

<p>n) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter I in YOUR STATE?</p> <p><i>See Art. 14(2) of the Evidence Convention</i></p>	<p><input type="checkbox"/> The moving party (requesting the use of video-link).</p> <p><input checked="" type="checkbox"/> The requesting authority (in the requesting State).</p> <p><input type="checkbox"/> The requested authority (in the requested State).</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p>
<p>o) How are these costs generally expected to be paid and/or reimbursed?</p>	<p><input type="checkbox"/> Payment in cash</p> <p><input type="checkbox"/> Payment by (credit) card</p> <p><input type="checkbox"/> Electronic/wire transfer</p> <p><input type="checkbox"/> Other. Please specify:</p> <p><i>Comments:</i></p> <p><a href="#">There are no specific rules on this issue.</a></p>
<p>p) Who pays for the interpretation services under Chapter I in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?</p>	<p><a href="#">There are no specific rules on this issue.</a></p>

## PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

<b>PRACTICAL CONSIDERATIONS UNDER CHAPTER II</b>	
<b>Only for States that have not excluded in whole the application of Chapter II</b>	
<b>Practical obstacles</b>	
q) Does YOUR STATE consider that there are practical obstacles to using video-link to assist in the taking of evidence under Chapter II of the Convention?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No.  Comments: Not applicable / no comments.
<b>Identification of all relevant actors</b>	
r) What is the procedure for verifying the identity of the parties, the witness / expert, and all relevant actors in YOUR STATE when video-link is used under Chapter II?	Not applicable / no comments.
<b>Standard Forms</b>	
s) Do the authorities of YOUR STATE use a standardised request form under Chapter II that makes specific reference to the use of video-links?  <i>Although the use of the <a href="#">Model Form</a> of the Evidence Convention is recommended when taking evidence under Chapter I, it may also be used, with the necessary amendments when applying for permission to take evidence under Chapter II.</i>  <i>While the Model Form has no explicit reference to the use of video-link, a request to this effect may be included in item 13 of the Form.</i>	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> The standardised form used makes no reference to video-link. <input type="checkbox"/> No standardised form is used.  Comments: Not applicable / no comments.
<b>Assistance and facilities</b>	
t) Are the Embassies and Consulates of YOUR STATE (acting as the State of Execution) able to assist applicants in arranging a video-link?	<input type="checkbox"/> Yes. Please specify how, e.g., via a booking system: <input type="checkbox"/> No. Please specify who else would assist, if anyone:  Comments: Not applicable / no comments.
u) Is it possible to hold a video-link session requested under the Convention at the premises of the Embassies or Consulates of YOUR STATE abroad?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No.  Comments: Not applicable / no comments.
v) Does YOUR STATE require the inclusion of any particular practical or technical information from the State of Origin in the request in order to conduct / arrange a witness or expert examination by video-link under Chapter II? (e.g. the use of interpreters, stenographers, or recording devices)	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No.  Comments: Not applicable / no comments.

## PART VII – PRACTICAL CONSIDERATIONS (CHAPTER II)

Costs	
w) Are there any costs associated with the taking of evidence via video-link under Chapter II in YOUR STATE?	<input type="checkbox"/> Yes. Please provide an approximate estimate of these costs and / or specify the criteria used to determine these costs:  <input type="checkbox"/> No.  <i>Comments:</i> Not applicable / no comments.
x) Who is responsible for bearing the costs occasioned by the use of video-link under Chapter II in YOUR STATE?	<input type="checkbox"/> The moving party (requesting the use of video-link). <input type="checkbox"/> The State of Origin <input type="checkbox"/> The Diplomatic mission or Consulate in the State of Execution. <input type="checkbox"/> The commissioner <input type="checkbox"/> Other. Please specify:  <i>Comments:</i> Not applicable / no comments.
y) How are these costs generally expected to be paid and/or reimbursed?	<input type="checkbox"/> Payment in cash <input type="checkbox"/> Payment by (credit) card <input type="checkbox"/> Electronic/wire transfer <input type="checkbox"/> Other. Please specify:  <i>Comments:</i> Not applicable / no comments.
z) Who pays for the interpretation services under Chapter II in YOUR STATE when video-link is used and how are these costs to be paid and/or reimbursed?	Not applicable / no comments.